

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

**WENDELL H. STONE COMPANY, INC.**  
**d/b/a STONE & COMPANY**, individually  
and on behalf of all others similarly situated,

*Plaintiff,*

v.

**SEABOARD INTERNATIONAL FOREST  
PRODUCTS, LLC**, a Delaware limited  
liability company,

*Defendant.*

**Case No. 1:17-cv-00035-SM**

**STIPULATION OF DISMISSAL**

Plaintiff Wendell H. Stone Company, Inc. ("Plaintiff" or Stone") and Defendant Seaboard International Forest Products, LLC ("Defendant" or "Seaboard"), through their counsel, stipulate as follows:

1. Plaintiff filed this putative class action against Defendant.
2. Plaintiff has agreed to dismiss with prejudice its individual claims against Defendant.
3. The dismissal of this case is without prejudice as to all putative, unidentified class members, if any.
4. Fed. R. Civ. P. 41(a)(1)(A)(ii) allows the parties to stipulate to the dismissal of an action at any time. Rule 23(e) does not limit the right to stipulate to dismissal of this action because it only applies to certified classes, and no class has been certified in this matter. No

notice is required to putative class members under Rule 23(e) since the settlement and dismissal of Plaintiff's individual claims does not bind them in any way.

Accordingly, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), Plaintiff and Defendant agree that the action shall be dismissed in its entirety and with prejudice with respect to the claims alleged by Plaintiff individually against Defendant, and without prejudice as to any claims alleged by the putative, uncertified class against Defendant.

Plaintiff and Defendant further agree that each party shall bear its own costs and attorney fees.

IT IS SO STIPULATED.

Dated: May 25, 2017

Respectfully Submitted,

**WENDELL H. STONE COMPANY, INC.**  
**d/b/a STONE & COMPANY**, individually and  
on behalf of all others similarly situated,

By: /s/ Patrick H. Peluso  
One of Plaintiff's Attorneys

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*Attorneys for Plaintiff*

**SEABOARD INTERNATIONAL FOREST  
PRODUCTS, LLC**

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**PRO HAC VICE**

*Attorneys for Defendant*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing will be sent to counsel of record this day via the Court's Electronic Case Filing system.

Date: May 25, 2017

/s/ Steven E. Grill  
Steven E. Grill, Esquire